REMARKS

This response adds new claim 9. Support for the new claim can be found, e.g., in original claim 1, Fig. 3 and page 6, line 18 through page 7, line 3 of the specification. Upon amendment, the present application has two independent claims (claims 1 and 9) and 9 total claims (claims 1-9). Thus, no fee for excess claims is necessary.

Doubling Patenting Rejection

In section 1 of the Office Action, the Examiner rejects claims 1-8 under 35 USC 101 as claiming the same invention as that of claims 1-16 of copending application No. 10/057,186. This rejection is traversed.

Claim 1 of the present application recites, in part, "an outer circumferential frame having opposite end surfaces and an inner peripheral surface, said inner peripheral surface being connected to said opposite end surfaces to form opposite connecting edge portions"; and "said one end of said at least one arm member is connected to a portion of said inner peripheral surface of said outer circumferential frame, said portion excluding said opposite connecting edge portions." These limitations are not recited by the main claim (claim 1) of copending application No. 10/057,186. Moreover, the orginal claim 1 of application No. 10/057,186 recites, in part, "said at least one arm member has a racetrack-shaped cross section". The amended claim 1 of application No. 10/057,186 recites, in part, "said at least one arm member has substantially a rectangular cross section with

four curved corners having a predetermined radius of curvature, in a perpendicular direction to a longitudinal direction of said at least one arm member." These limitations are not recited by the claimed invention. In summary, the present application and application No. 10/057,186 do not claim the same invention because they have different claim limitations. The Applicant believes that the double patenting rejection is improper and should be withdrawn.

35 USC 102(b) Rejections

In section 2 of the Office Action, the Examiner rejects claims 1-8 under 35 USC 102(b) as being anticipated by Ohyaba et al. (US Patent No. 6,144,753). These rejections are respectfully traversed.

Ohyaba et al. fails to disclose, suggest, or teach, *inter alia*, the following features recited by claim 1 of the present application:

"an outer circumferential frame having opposite end surfaces and an inner peripheral surface, said inner peripheral surface being connected to said opposite end surfaces to form opposite connecting edge portions"; and

"said one end of said at least one arm member is connected to a portion of said inner peripheral surface of said outer circumferential frame, said portion excluding said opposite connecting edge portions."

Ohyaba et al. discloses a speaker having a damper for supporting vibrating elements, which is small in size but capable of reproducing a louder and low voice. Ohyaba's damper has an inner circumferential portion 41, an outer circumferential portion 43, and a connecting portion 42 (corresponding to the arm members in the present application). However, Ohyaba nowhere

mentions "an inner peripheral surface", or that "said inner peripheral surface being connected to said opposite end surfaces to form opposite connecting edge portions", or that "said one end of said at least one arm member is connected to a portion of said inner peripheral surface of said outer circumferential frame, said portion excluding said opposite connecting edge portions", as recited by claim 1 of the present application.

According to the specific connecting structure of the arm member with the outer circumferential frame, as recited by claim 1, it is possible to prevent the amplitude of the arm member from increasing during excitation of the voice coil, as described in the specification, page 9, lines 3-14. More specifically, connecting the one end of the arm member to the outer circumferential frame in this manner makes it possible to restrict the movement of the arm member, which is caused by oscillation of the inner circumferential frame, through the outer circumferential frame. Thus, the amplitude of the arm member can be decreased and consequently the amplitude of the inner circumferential frame can also be decreased, thus reducing stress.

Clearly, Ohyaha gives no consideration to decrease in amplitude of the arm member and does not teach the above-mentioned limitations of claim 1.

In section 3 of the Office Action, the Examiner merely copies limitations of claim 1 and asserts that Ohyaha teaches all these limitations. The Examiner does not identify, for example, what part of Ohyaha teaches "an inner peripheral surface", or that "said inner peripheral surface being connected to said opposite end surfaces to form opposite connecting edge portions", as recited by claim 1 of the present application. It seems that

the Examiner was in a rush and did not pay attention to details of the claimed invention. The Applicant believes that the Examiner's double patenting rejection is clearly wrong and that the above-quoted features of claim 1 is clearly not taught in Ohyaha.

Pursuant to Patent Rules §1.104(c)(2), in rejecting claims for want of novelty or for obviousness, "the examiner must cite the best references at his or her command." Also, "when a reference is complex or shows or describes inventions other than that claimed by the applicant, the **particular part** relied on must be designated as nearly as practicable."

As stated above, the Examiner does not correspond each element of the claims to the particular part of the prior art. The Applicants believe that the Offce Action fails to comply with rule 1.104(c)(2) and MPEP 707.07(d). The Examiner is respectfully requested to either withdraw the rejections or specify the rejections claim by claim, element by element. In particular, the Examiner is requested to address the quoted features of claim 1, as discussed above. If the Examiner issues another Office Action rejecting the claims, it is requested that such Office Action cannot be a final rejection in view of the fact that the present Office Action does not comply with the rules of practice.

Due to the reasons discussed above, the Applicant believes that claim 1 (and claim 9 for same reasons) is patentable. Claims 2-8 are also patentable, at least by virtue of their dependency from claim 1.

The Applicant has attempted to address all of the issues raised by the Examiner in the Office Action as the Applicant understands them. The

Applicant believes that all claims are patentable and that the Application is now in condition for allowance. If any point requires further explanation, the Examiner is invited to telephone Troy Cai at (323) 934-2300 or e-mail Troy Cai at tcai@ladasparry.com.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Enclosed please find a copy of Troy Guangyu Cai's Notice of Limited Recognition under 35 CFR 10.9(b) to prepare and prosecute patent applications wherein the patent applicant is a client of Ladas & Parry, and the attorney of record in the applications is a registered practitioner who is a member of Ladas & Parry.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231 on March 17, 2003

(Date of Deposit)

Troy Guangyu Cai

(Name of Applicant, Assignee or Registered Representative)

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3/17/2003

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Respectfully submitted,

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BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
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Expires: November 19, 2003

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